

### Claims: Rejections 112 102 & 103

The claims have been amended to overcome all rejections under 35 USC 112 as given below under the heading "Claims: Amendments".

Regarding the rejection under 35 USC 102, the Office action states (at paragraph 10) that claims 1, 2, 4, 13 and 17 are rejected as anticipated by Moore et al., US Patent No. 5873498 (hereinafter called "**Moore**").

The features identified in the discussion on the bottom of page 5 and the top of page 6 of the Office Action, appear to correspond to the front page figure (equivalent to Fig. 11) of **Moore**. The Office action states that applicant's recited "container" and "upper opening" features are shown by corresponding items 140 and 150.

However, it is noted that both of applicant's originally filed independent claims 1 and 13 recite: "...wherein the upper opening of the container includes a fastener structure along the outer periphery of the opening...". The zipper 150 of the cited reference fails to provide a fastener structure along the **outer periphery of the opening of the container** as required by the recitation of applicant's originally filed claims; emphasis added. More particularly, as recited in applicant's originally filed claims, the fastener structure is located on the outer periphery of the container and attaches to a corresponding fastener structure on the table saw. In other words, the zipper 150 of the '498 reference lacks this

feature as required in the originally filed claims 1 and 13. Also, applicant's structure lacks a top surface and lacks a zipper located in the top.

Furthermore, at the bottom of page 5, under item 10, the Office Action states that the upper opening of the container (of Moore) includes a fastener structure along the outer periphery of the opening, stating that item 154 of **Moore** shows this feature. The Office Action repeats this position again in the last paragraph of item 10, stating "wherein the upper opening of the container (of **Moore**) includes a fastener structure (e.g., 154) along the outer periphery of the opening..". However, as shown in the front page figure of **Moore**, items 154 are merely hooks that are placed along the outer periphery of the **top of the bag**, rather than along the **upper opening** of the bag are required by applicant's originally filed claims.

Moreover, the bag of **Moore** shows a top (item 148) that is clearly absent in applicant's claimed structure. Nevertheless, the amended claims clarify this lack of a top by including the restrictive phrase "consists essentially of".

In addition, applicant's originally filed claims 1 and 13 require that the closure be located in the **bottom portion** of the container. **Moore** clearly lacks this required feature.

Therefore, it appears that the '498 reference fails to meet the requirements of 35 USC 102(b) as meeting each and every claimed feature.

In item 11 of the Office action, claims 3 and 14-16 are rejected under 35 USC 103 as being unpatentable over **Moore**.

At the end of item 11, the Office Action states that it would have been obvious to replace the fasteners of **Moore** with hook and loop fasteners. However, since the structure of **Moore** fails to provide an upper opening with a fastener along its outer periphery as recited in applicant's originally filed claims, the structure of **Moore** cannot be modified in the manner stated in the Office Action to arrive at applicant's structure.

Nevertheless, the claims have been amended to more clearly recite the relationship between the fastener on the outer periphery of the container and the fastener on the table saw.

#### **Claims: Amendments**

Replace claims 1-13 and 17 with the following amended claims 1-13 and 17:

Claim 1 (amended). A sawdust collection apparatus for use with a table saw, the table saw having a horizontal worktable, an open bottom base below the worktable enclosing a rotating blade that cuts wood objects on the worktable surface, the open bottom base allowing sawdust generated by the blade to fall into the space below the table, and a first fastener structure being provided along the inside periphery of the open bottom base, means for driving the saw blade, and, a saw blade elevating and tilting mechanism, with

means for supporting the base from the floor; the sawdust collection apparatus [including] consisting essentially of: a sawdust collector for removably attaching to [a] the table saw for collecting sawdust during use of [a] the table saw, the collector comprising: a container having an upper opening, inwardly sloping sides and a bottom portion; the bottom portion including a closure and a vacuum connector; the closure being manipulable into an open position for permitting the removal of dust collected in the container, or into a closed position; and the vacuum connector being connectable to a vacuum source; wherein the upper opening of the container includes a second fastener structure along the outer periphery of the upper opening and, wherein the second fastener structure is capable of removable cooperative attachment to [a corresponding cooperating] the first fastener structure on the [table saw] open bottom base.

2 (amended). The [collector] apparatus of claim 1 wherein the container is a bag.

3 (amended). The [collector] apparatus of claim 2 wherein the bag is made of cloth.

4 (amended). The [collector] apparatus of claim 1 wherein the closure is a zipper.

5 (amended). The [collector] apparatus of claim 1 wherein the vacuum connector is adapted to connect to a plurality of sizes of vacuum hoses.

6 (amended). The [collector] apparatus of claim 5 wherein the connector is adapted to connect to a 1.25 inch and a 2.25 inch vacuum hoses.

7 (amended). The [collector] apparatus of claim 1 further including a collapse prevention structure inside the container attached to the vacuum connector, to prevent the collapse of the container when the vacuum is applied during use.

8 (amended). The (collector) apparatus of claim 7 wherein the collapse prevention structure is a mesh screen.

9 (amended). The [collector] apparatus of claim 8 wherein the mesh screen is made of plastic.

10 (amended). The [collector] apparatus of claim 9 wherein the plastic is high density polyethylene.

11 (amended). The [collector] apparatus of claim 8 wherein the mesh screen is attached to the connector with at least one fastener.

12 (amended). The [collector] apparatus of claim 11 wherein at least one mesh screen fastener is made of plastic.

13 (amended). A sawdust collector kit for a table saw, the table saw having a horizontal

worktable, an open bottom base below the worktable enclosing a rotating blade that cuts wood objects on the worktable surface, the open bottom base including a first fastener structure being provided along the inside periphery of the base, means for driving the saw blade, and, a saw blade elevating and tilting mechanism, with means for supporting the base from the floor; the [apparatus including] sawdust collector kit consisting essentially of: [a sawdust collector for removably attaching to a table saw for collecting sawdust during use of a table saw, the collector comprising:] a container having an upper opening, inwardly sloping sides and a bottom portion; the bottom portion including a closure and a vacuum connector; and, the closure being manipulable into an open position for permitting the removal of sawdust collected in the container, or into a closed position; the vacuum connector being connectable to a vacuum source; wherein the upper opening of the container includes a second fastener structure along the outer periphery of the opening and, wherein the second fastener structure is capable of removable cooperative attachment to [a corresponding cooperating] the first fastener structure on the [table saw] open bottom base [; and a permanently attachable table saw fastener for attachment to the table saw, capable of attaching to the corresponding fastener at the top of the container].

17 (amended). The [collector] kit of claim [1] 13 wherein the collector is adapted to [withdraw the contents of] permit removal of the sawdust from the container during use of the table saw in any of the following modes of operation: a) continuously by gravity through the opened closure; b) batch-wise by gravity through the opened closure; c) continuously through the vacuum connection; or, d) batch- wise through the vacuum connection.

Add the following new claims:

18 (new). The kit of claim 13 wherein the container is a bag.

19 (new). The kit of claim 18 wherein the bag is made from a one-piece fabric.

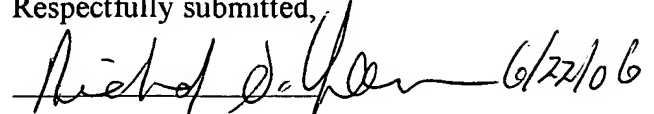
20 (new). The apparatus of claim 2 wherein the bag is made from a one-piece fabric.

Support for the claim amendments is found in the originally filed specification.

### **Conclusion**

Applicant has hereby fully responded to Examiner's Office Action mailed February 24, 2006. In view of the arguments and affidavit submitted, the applicant believes that all the objections and rejections have been overcome and therefore the non-elected claims should be rejoined with the elected claims, and the application should be allowed.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Richard F. Keenan", followed by the date "6/22/06".

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